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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,001	07/11/2001	Mark Pratt	37837-75702	1918
23643 7590 04/03/2009 BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204				
EXAMINER				
FRENEL, VANEL				
ART UNIT		PAPER NUMBER		
3687				
NOTIFICATION DATE		DELIVERY MODE		
04/03/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

indocket@btlaw.com

# Office Action Summary

Application No.

09/903,001

Applicant(s)

PRATT ET AL.

Examiner

VANEL FRENEL

Art Unit

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the Amendment filed on 1/16/09. Claims 1, 5 and 10 have been amended. Claims 1-13 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admasu et al. (2002/0032601) in view of Resnick et al. (2001/0001321).

As per claim 1, Admasu discloses an automated payment system for a parking facility, comprising: an exit gate operable to control egress from the parking facility (See Admasu, Page 1, Paragraph 0006); a payment terminal including: means for assessing a payment amount (See Admasu Page 1, Paragraph 0006; Page 2, Paragraph 0023); means for receiving the payment amount (See Admasu, Page 2, Paragraph 0027); means for opening said exit gate upon receipt of the payment amount (See Admasu, Page 4, Paragraph 0042).

Admasu does not explicitly disclose means for providing two-way video and audio communication with a monitoring facility remote from said payment terminal" enabling two-way audio and video interaction between a customer at the payment terminal and a live attendant at the monitoring facility.

However, this feature is known in the art, as evidenced by Resnick. In particular, Resnick suggests that the system having disclose means for providing two-way video and audio communication with a monitoring facility remote from said payment terminal" enabling two-way audio and video interaction between a customer at the payment terminal and a live attendant at the monitoring facility (See Resnick, Page 4, Paragraph 0034).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Resnick within the system of Admasu with the motivation of providing a stored value intermediary account to implement a centralized payment system. The centralized payment system interfaces with merchant points-of-sale where cash payments (or other forms of payments) are received from the end-user (or his agent). The present invention leverages the existing financial network that is used around the world for credit card transactions, but it uses that existing system "backwards" in that payments are received, rather than credit extended, at the merchant point-of-sale. Interfacing to the existing world-wide network, e.g. VisaNet or another card association network, in this new way allows payments to be received at any of literally millions of merchant locations that are coupled to the network, thus providing extraordinary convenience for the end-user. The payments are posted to an intermediary account maintained on the centralized payment system. Thus an important feature of the present invention is the use of a ubiquitous standards-based electronic system for recharging (adding value to) end-user accounts from retail point-of-sale terminals (See Resnick, Page 1, Paragraph 0006).

As per claim 2, Admasu discloses the automated payment system wherein said means for providing two-way video and audio communication includes an Ethernet or Internet link between said payment terminal and the monitoring facility (See Admasu, Page 3, Paragraph 0032).

As per claim 3, Admasu discloses the automated payment system wherein said means for providing two-way video and audio communication includes an IP-addressable video camera (See Admasu, Page 3, Paragraph 0032).

As per claim 4, Admasu discloses the automated payment system further comprising: a processor at said payment terminal operable to control said means for assessing and said means for receiving (See Admasu, Page 4, Paragraph 0041); and a data link between said processor and the monitoring facility to permit remote control of said processor (See Admasu, Page, Paragraphs 0041-0042).

As per claim 5, Admasu discloses an automated payment system for a plurality of parking facilities comprising: a central monitoring facility (See, Admasu, Page 2, Paragraph 0015); a plurality of exit facilities remote from said central monitoring facility (See, Admasu, Page 2, Paragraphs 0014-0015), each controlling egress from a corresponding one of the plurality of parking facilities (See Admasu, Page 1, Paragraph

0006); a payment terminal at each of said plurality of exit facilities, each having means for assessing and receiving payment (See Admasu Page 2, Paragraph 0027).

Admasu does not explicitly disclose that the system having means for providing two-way video and audio communication between said central monitoring facility and said payment terminal at each of said plurality of exit facilities "establishing live audio and video interaction between a customer at the payment terminal and a live attendant at the monitoring facility.

However, this feature is known in the art, as evidenced by Resnick. In particular, Resnick suggests that the system having means for providing two-way video and audio communication between said central monitoring facility and said payment terminal at each of said plurality of exit facilities "establishing live audio and video interaction between a customer at the payment terminal and a live attendant at the monitoring facility (See Resnick, Page 4, Paragraph 0034).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Resnick within the system of Admasu with the motivation of providing a stored value intermediary account to implement a centralized payment system. The centralized payment system interfaces with merchant points-of-sale where cash payments (or other forms of payments) are received from the end-user (or his agent). The present invention leverages the existing financial network that is used around the world for credit card transactions, but it uses that existing system "backwards" in that payments are received, rather than credit extended, at the merchant point-of-sale. Interfacing to the existing world-wide network, e.g. VisaNet or another

card association network, in this new way allows payments to be received at any of literally millions of merchant locations that are coupled to the network, thus providing extraordinary convenience for the end-user. The payments are posted to an intermediary account maintained on the centralized payment system. Thus an important feature of the present invention is the use of a ubiquitous standards-based electronic system for recharging (adding value to) end-user accounts from retail point-of-sale terminals (See Resnick, Page 1, Paragraph 0006).

As per claim 6, Admasu discloses the automated payment system wherein said means for providing two-way video and audio communication includes an Ethernet or Internet link between said payment terminal and the monitoring facility (See Admasu, Page 3, Paragraph 0032).

As per claim 7, Admasu discloses the automated payment system wherein said means for providing two-way video and audio communication includes an IP-addressable video camera (See Admasu Page 3, Paragraph 0032).

As per claim 8, Admasu discloses the automated payment system further comprising: a processor at said payment terminal operable to control said means for assessing and said means for receiving (See Admasu, Page 4, Paragraph 0041); and a data link between said processor and the monitoring facility to permit remote control of said processor (See Admasu, Page 4, Paragraph 0041).

As per claim 9, Admasu discloses the automated payment system further comprising: a central processor at said central monitoring facility connected to said processor at said payment terminal through said data link and controllable at said central monitoring facility to control said processor at said payment terminal (See Admasu, Page 4, Paragraph 0042).

As per claim 10, Admasu discloses an automated payment system for a facility, comprising: an apparatus for calculating a payment amount (See Admasu Page 1, Paragraph 0006; Page 2, Paragraph 0023); an apparatus for receiving the payment amount (See Page 2, Paragraph 0027).

Admasu does not explicitly disclose that the system having a gate apparatus operable to control access to the facility in response to receipt of the payment amount; and a two-way video and audio communication system linking the automated payment system with a monitoring facility remote from the automated payment facility "including a video camera, a video display, a speaker and microphone at the automated system and including a video camera, a video display, a speaker and microphone at the monitoring facility for live audio and video communication.

However, these features are known in the art, as evidenced by Resnick. In particular, Resnick suggests that the system having a gate apparatus operable to control access to the facility in response to receipt of the payment amount; and a two-way video and audio communication system linking the automated payment system with



a monitoring facility remote from the automated payment facility "including a video camera, a video display, a speaker and microphone at the automated system and including a video camera, a video display, a speaker and microphone at the monitoring facility for live audio and video communication (See Resnick, Page 4, Paragraph 0034).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Resnick within the system of Admasu with the motivation of providing a stored value intermediary account to implement a centralized payment system. The centralized payment system interfaces with merchant points-of-sale where cash payments (or other forms of payments) are received from the end-user (or his agent). The present invention leverages the existing financial network that is used around the world for credit card transactions, but it uses that existing system "backwards" in that payments are received, rather than credit extended, at the merchant point-of-sale. Interfacing to the existing world-wide network, e.g. VisaNet or another card association network, in this new way allows payments to be received at any of literally millions of merchant locations that are coupled to the network, thus providing extraordinary convenience for the end-user. The payments are posted to an intermediary account maintained on the centralized payment system. Thus an important feature of the present invention is the use of a ubiquitous standards-based electronic system for recharging (adding value to) end-user accounts from retail point-of-sale terminals (See Resnick, Page 1, Paragraph 0006).

As per claim 11, Admasu discloses the automated payment system wherein said means for providing two-way video and audio communication includes an Ethernet or Internet link between said payment terminal and the monitoring facility (See Admasu, Page 3, Paragraph 0032).

As per claim 12, Admasu discloses the automated payment system wherein said means for providing two-way video and audio communication includes an IP-addressable video camera (See Admasu, Page 3, Paragraph 0032).

As per claim 13, Admasu discloses the automated payment system further comprising: a processor operable to control said means for assessing and said means for receiving (See Admasu, Page 4, Paragraph 0041); and a data link between said processor and the monitoring facility to permit remote control of said processor (See Admasu, Page 4, Paragraphs 0041-0042).

#### **Response to Arguments**

4. Applicant's arguments filed on 1/16/09 with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gart Matthew S can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nanel Frenel/

Primary Examiner, Art Unit 3687

March 29, 2009